



In the United States Patent and Trademark Office

Serial Number: 09/232,566
Appn. Filed: 01/15/99
Applicant: Rolf Jansen
Appn. Title: Tractor/Trailer Back-up Kit
Examiner/GAU: Tung Vo/2613

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OCT 18 2001

Technology Center 2600

Mailed: 10/06/01

At: Houston, Texas

Submitting

Petition to the Commissioner of Patents and Trademarks

Sir:

Applicant hereby submits Petition to the Commissioner of Patents and Trademarks, in accordance with 37 CFR 1.181. An additional copy of appellant's brief is enclosed. It is important that the copy of the brief accompany the Petition.

Applicant includes the filing fee of \$130.00.

Also, in the same envelope the applicant is filing a Petition for Extension of Time, with fee of \$460.00.

The applicant has combined the two fees in one check for \$590.00, which is enclosed.

Very respectfully,

Rolf Jansen

Rolf Jansen

Applicant, pro se

P. O. Box 73161

Houston, TX 77273-3161

281-440-6907

Certificate of Mailing

I certify that this correspondence will be deposited with the United States Postal Service as first class mail with proper postage affixed in an envelope addressed to "Assistant Commissioner for Patents, Washington, DC 20231" on the date below.

10-6-01 *Rolf Jansen*



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Serial Number: 09/232,566
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Appellant: Rolf Jansen
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PETITION TO THE COMMISSIONER OF PATENTS AND TRADEMARKS

Sir:

Appellant, Rolf Jansen, pro se, brings this Petition, in accordance with 37 CFR 1.181, to complain of unfair conduct of the examiner, with respect to the format of the appellant's brief.

I

Appellant, pro se, is not a registered practitioner, and is not represented by a registered practitioner; and this is the first patent appeal brief he has ever written.

37 CFR 1.192(c), regarding an appellant's brief, states:

"The brief shall contain the following items under appropriate headings and in the order indicated below unless the brief is filed by an appellant who is not represented by a registered practitioner." (Emphasis added.)

The appellant, pro se, relied upon this underlined provision of 37 CFR 1.192(c) in writing his brief.

Appellant, pro se, considers that his job (in preparing the brief) is to point out errors of the examiner of a material nature and to give arguments to back up his contentions.

Appellant, pro se, is grateful of the opportunity to appeal.

He presumes that the Board of Patent Appeals and Interferences has many other appeals to consider, and therefore the appellant should make his brief as concise as possible, and leave out information that is not applicable to the appellant's case, or is redundant, or distracts from advancement of the arguments.

II

Attached is copy of the examiner's Notification of Non-Compliance with 37 CFR 1.192(c), mailed 9/20/01, stating that the appeal brief is defective and that "applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c)".

The examiner is holding the appellant, *pro se*, to the standard for a registered practitioner, which is contrary to the express provision of 37 CFR 1.192(c).

The examiner includes allegations of non-compliance that are false.

This conduct of the examiner is unfair.

III

Appellant, *pro se*, will respond to each of the allegations of non-compliance:

"1. The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order."

RESPONSE: The examiner is holding the appellant, *pro se*, to the standard for a registered practitioner, which is contrary to the express provision of 37 CFR 1.192(c).

"2. The brief does not contain a statement of the status of all claims, pending or cancelled or does not identify the appealed claims (37 CFR 1.192(c)(3))."

RESPONSE: The examiner is holding the appellant, *pro se*, to the standard for a registered practitioner, which is contrary to the express provision of 37 CFR 1.192(c).

The information identified in allegation #2 is given on the first page of the appellant's brief. A complete copy of the brief

is enclosed. Also, a complete copy of Applicant's Amendment A, setting forth the two amended claims, is included in the brief as Exhibit 5.

"3. At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4))."

RESPONSE: This allegation is false. The applicant did not file any amendment subsequent to the final rejection.

"4. The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5))."

RESPONSE: The examiner is holding the appellant, pro se, to the standard for a registered practitioner, which is contrary to the express provision of 37 CFR 1.192(c).

The appellant, pro se, does provide a concise summary of the invention on page 1 of the brief.

Regarding referring to drawings by reference characters, the appellant, pro se, was puzzled. The arguments of the appellant relate to alleged errors of the examiner in the context of the examiner's Final Office Action, rejecting the applicant's claims. None of the alleged errors pertained specifically to the drawings.

The Final Office Action, copy of which is attached in appellant's brief as Exhibit 1, states, on page 1, that the drawings are approved.

37 CFR 1.191(e) states that the complete file, including the drawings, pertaining to the application is transmitted to the Board of Patent Appeals and Interferences.

In the judgment of the appellant, pro se, focusing on the drawings did not advance the arguments pertaining to the examiner's alleged errors; and the drawings would be available to the Board if it wished to examine them.

"5. The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6))."

RESPONSE: This allegation is false. The information is contained in the appellant's brief, page 2, beginning at line 3.

"6. A single ground of rejection has been applied to two or more claims in this application, and
(a) the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief."

RESPONSE: This allegation is false. The information is given in the appellant's brief on page 2. Additional information is given on page 14, beginning at line 19.

"7. The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8))."

RESPONSE: The examiner is holding the appellant, pro se, to the standard for a registered practitioner, which is contrary to the express provision of 37 CFR 1.192(c).

Appellant's brief addresses each issue on appeal in the Arguments section, which begins on page 3.

IV

Appellant, pro se, earlier filed a Petition to Make Special, on the grounds of being age 65, or older. Appellant, pro se, is 68 years old.

Appellant, pro se, includes herewith the filing fee of \$130.00 for a petition to the Commissioner of Patents and Trademarks; and also includes an additional \$460.00 for an extension of time of one month (payment for third month) to extend the time of a reply to November 20, 2001, in accordance with 37 CFR 1.136.

Because the appellant does not know how long it will take before the Commissioner's staff can consider appellant's petition,

the appellant requests that additional time, as needed, be allowed, in accordance with 37 CFR 1.136(b), and/or with 37 CFR 1.183.

Appellant should not be forced to pay additional large sums for an extension of time, when the need for more time was caused by the examiner's unfair conduct.

WHEREFORE, appellant, pro se, prays that the Commissioner of Patents and Trademarks overrule and rescind the examiner's order of September 20, 2001.

Very respectfully submitted,

Rolf Jansen

Rolf Jansen

Appellant, pro se

P. O. Box 73161

Houston, Texas 77273-3161

Verification

Appellant, Rolf Jansen, pro se, hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Rolf Jansen

Rolf Jansen, appellant, pro se

Date of signature: 10-6-01

Certificate of Mailing

I certify that this correspondence will be deposited with the United States Postal Service as first class mail with proper postage affixed in an envelope addressed to "Assistant Commissioner of Patents, Washington, DC 20231" on the date below.

Date: 10-6-01 Rolf Jansen
Rolf Jansen, Appellant, pro se